

ASFO NEPA DOCUMENT ROUTING SHEET

Number: AZ-010-2005-

Project Title: **Stephen B. Kelly, Road Right-of-Way, AZA-32911**

Project Lead: Linda Barwick

Date that concurrent, electronic distribution for review was initiated: 10/01/2004

Deadline for receipt of responses: **10/08/2004 (short turn around; permission from Roger Taylor to have only one week instead of three weeks for a review period.)**

Required Reviews:

Gloria Benson, Native American Coordinator

Tom Folks, Recreation

Laurie Ford, Lands/Realty/Minerals

Michael Herder, Wildlife

John Herron, Cultural

Lee Hughes, Plants

Ray Klein, GCPNM Supervisory Ranger

Linda Price, S&G

Bob Sandberg, Range

Richard Spotts, Environmental Coordinator

Ron Wadsworth, Supervisory Law Enforcement

Mike Herder, Acting Assistant Field Manager, Public Domain & Resources

Discretionary Reviews:

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
ARIZONA STRIP FIELD OFFICE
CATEGORICAL EXCLUSION REVIEW**

CX-AZ-010-2004-00

PROJECT TITLE: Stephen B. Kelly, Road Right-of-Way, A-32911

PROJECT LEAD: Linda Barwick

PROPOSED ACTION: Stephen B. Kelly has requested a road right-of-way on an existing road over public lands. The road is located 1/4 mile south of the Vermillion Cliffs Lodge along the southern boundary of Section 7 in T. 39 N., R. 7 E., and provides access to the private property in Section 18. The right-of-way would be granted for a width of 40 feet and a length of 2640.

The road is presently in a right-of-way to the Badger Creek Homeowners Association (AZA-19340). The homeowners association is not incorporated and therefore not a legal entity qualified to hold an easement right. The legalization of the right-of-way will satisfy the requirements for insurability by the title company for the conventional mortgage to the owner's property in the subdivision.

LOCATION OF PROPOSED ACTION: The area is located in the following area:

Gila and Salt River Meridian, Coconino County, Arizona
T. 39 N., R. 7 E.,
sec. 7, S2S2S2S2SW, SWSE.

Containing 2.42 acres, more or less.

PLAN CONFORMANCE REVIEW: The proposed action has been reviewed for conformance with the Arizona Strip District Resource Management Plan and Standards and Guidelines RMP Amendments (1998). The proposed action **is** in conformance with the RMP. Decision **LR23** will evaluate individual rights-of-way on a case-by-case basis with National Environmental Policy Act analysis.

CATEGORICAL EXCLUSION REVIEW: The proposed action is categorically excluded under 516 DM 6, Appendix 5.4.E(12) which would grant rights-of-way wholly within the boundaries of other compatibly developed rights-of-way.

The proposal has been reviewed to determine if any of the exceptions described in 516 DM 2, Appendix 2, apply. Surname(s) verify completion of this review by appropriate specialists.

NAME	LIST OF EXCLUSION CRITERIA <i>Assign surnames for determination under each below</i>
-------------	---

<u>LBarwick</u>	1. The proposal would have no adverse effects on public health or safety: <i>Identify the effect if any</i>
-----------------	---

<u>TFolks</u>	2. The proposal would not adversely affect unique geographic characteristics such as park, recreation, or refuge lands, wilderness areas, wilderness study areas, wild and scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks: <i>Identify the area that would be affected if any</i>
---------------	---

- JHerron 3. The proposal would have no adverse effects on historic or cultural resources: *Identify the effect if any*
- LBarwick 4. The proposal would have no highly controversial environmental effects: *Identify the effect if any*
- LBarwick 5. The proposal would have no highly uncertain or potentially significant environmental effects nor does it involve unique or unknown environmental risks: *Identify the effect if any*
- LBarwick 6. The proposal would not establish a precedent for future action or represents a decision in principle about a future consideration with potentially significant environmental effects: *Identify the effect if any*
- LBarwick 7. The proposal is not directly related to other actions with individually insignificant, but cumulatively significant effects: *Identify the other actions and their effects if any*
- JHerron 8. The proposal would not adversely affect properties listed or eligible for listing in the National Register of Historic Places: *Identify the effect if any*
- LHughes 9. The proposal would not adversely affect a plant species listed or proposed to be listed on the list of endangered and threatened species, nor have adverse effects on designated critical habitat for these species: *Identify the species and effect if any*
- MHerder 10. The proposal would not adversely affect an animal species listed or proposed to be listed on the list of endangered and threatened species, nor have adverse effects on designated critical habitat for these species: *Identify the species and effect if any*
- LBarwick 11. The proposal would not require compliance with Executive Order 11988 (Floodplain Management) or Executive Order 11990 (Protection of Wetlands). *Identify the order and effect if any*
- MHerder 12. The proposal would not require compliance with the Fish and Wildlife Coordination Act: *Identify the effect if any*
- GBenson 13. The proposal does not threaten to violate a federal, state, local or tribal law or requirement imposed for the protection of the environment: *Identify the law and effect if any*
- LFord 14. The proposal is in conformance with the Arizona Strip District Resource Management Plan/ Environmental Impact Statement (January, 1992)

DECISION: We have reviewed this plan conformance and NEPA compliance record and have determined that the proposal is in conformance with the approved land use plan, that it would have no significant environmental effects, and that no further environmental analysis is required.

REVIEWED BY: _____ **DATE:** _____
Environmental Coordinator - Arizona Strip

IT IS MY DECISION TO IMPLEMENT THE PROPOSAL, AS DESCRIBED, WITH THE STIPULATIONS IN THE ATTACHMENT.

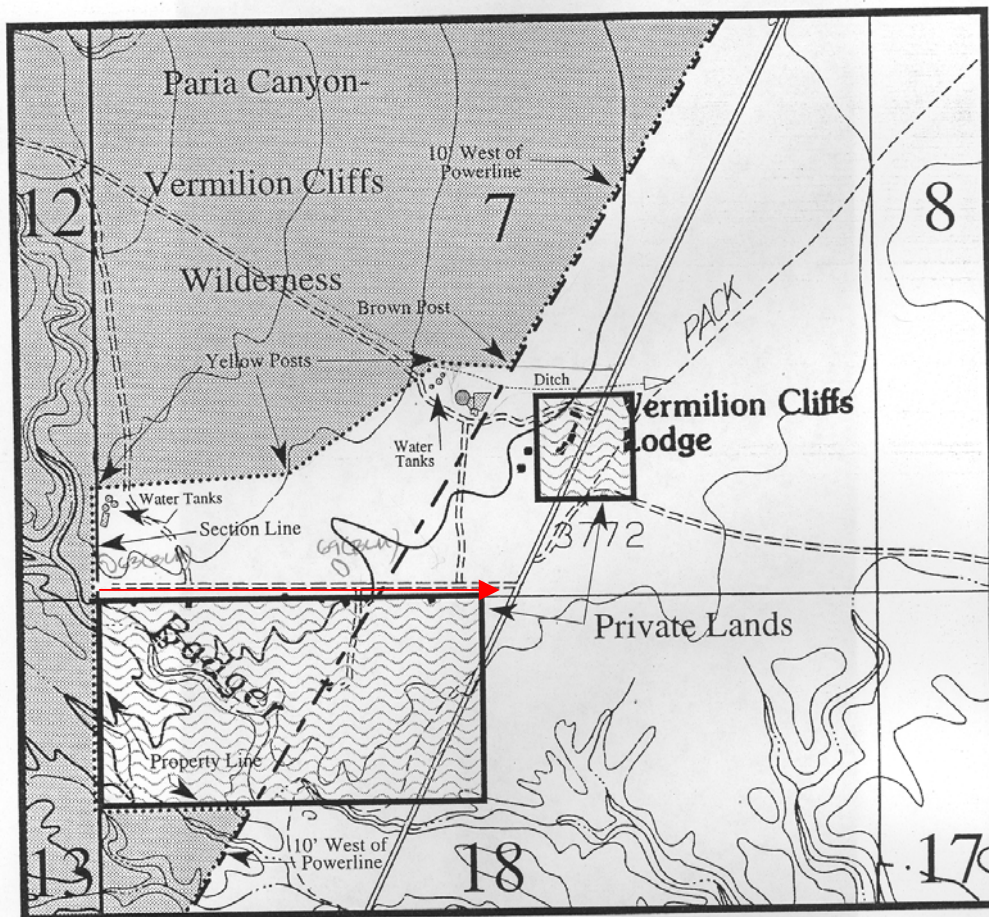
APPROVED BY: _____ **DATE:** _____
Field Manager - Arizona Strip

EXHIBIT A

October 6, 2004

STIPULATIONS FOR STEPHEN KELLY – ROAD RIGHT-OF-WAY AZA-32911

1. This grant is subject to all valid rights existing on the effective date of this grant.
2. There is reserved to the authorized officer, the right to grant additional rights-of-way or permits for compatible use on, over, under, or adjacent to the land involved in this grant.
3. The right-of-way shall be relinquished to the United States if the authorized uses are no longer needed or management direction for the area is changed through land use planning.
4. The right-of-way shall be modified, adapted, or discontinued if found by the authorized officer to be necessary, without liability or expense to the United States, so as not to conflict with the use and occupancy of the land for any authorized works which may be constructed by the Bureau of Land Management.
5. All lot owners served by the road right-of-way shall share proportionately in the maintenance of the subject right-of-way.
6. Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a pre-termination conference. This conference will be held to review the termination provisions of the grant.
7. All surface disturbance such as extracting fill materials and motorized/mechanized uses are prohibited outside of the right-of-way on BLM administered land.
8. The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the permit stipulations). The permittee shall be subject to new stipulations regarding weed control that are currently being updated in Washington, DC. The new stipulations will address the cleaning of equipment before it is brought on public land to insure that weed seeds are not being transferred, etc. A copy of the new stipulations will be sent to the holder when approved.
9. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and mixing areas and method of cleansing and disposing of containers, and any other information deemed necessary by the authorized officer. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use.
10. Any sub-surface archaeological, historical, or paleontological remains discovered during use shall be left intact; all work in the area shall stop immediately and the Field Manager shall be notified immediately. Recommencement of work shall be allowed upon clearance by the Field Manager in consultation with the Archaeologist.
11. An additional archaeological survey shall be required in the event the proposed project location is changed, or additional surface disturbing activities are added to the project after the initial survey. Any such survey would have to be completed prior to commencement of the project.
12. If in connection with this work any human remains, funerary objects, sacred objects or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (P.L. 101-601; 104 Stat. 3048; 25 U.S.C. 3001) are discovered, the proponent shall stop operations in the immediate area of the discovery, protect the remains and objects, and immediately notify the Field Office Manager. The proponent shall continue to protect the immediate area of the discovery until notified by the Authorized Officer that operations may resume.



Paria Canyon-Vermilion Cliffs Wilderness

Boundary Identification - Badger Creek Area